

Response under 37 C.F.R. §1.114
Serial No. 10/621,860
Attorney Docket No. 062373

REMARKS

Claims 1 – 34 are pending in the present application. By this Amendment, claims 1, 10, 11, 13, 19, 32 and 34 have been amended and claims 2-4 and 12 have been cancelled. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated September 25, 2005.

Claim Objection:

Claim 32 stands objected in item 1 of the Action due to a minor informality. However, claim 32 has been amended to the informality. Accordingly, withdrawal of the objection is respectfully requested.

35USC 103(a):

With regard to the merits of this case, the Examiner now relies on the newly cited reference Ryhart et al. (U.S. Patent No. 6,340,892) in setting forth the following rejection:

Claims 1-34 stand rejected under 35 USC 103(a) as being unpatentable over Ryhart et al.

This rejection is respectfully traversed.

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Independent claim 1, as amended, now calls for *measuring a plurality of moisture content levels within said structural components of said portion of the interior of the structure; determining if each of said plurality of moisture content levels is within a desired level; issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; and issuing a moisture level non-compliance certificate if the results of said determining step is that at least one of said plurality of moisture contents levels is not below the desired level.* Independent claims 11 and 19 including similar features.

The Examiner asserts on page 3 of the Action that in the Rynhart reference, moisture content is determined (see column 1 lines 25 and 26) for structural components of the interior of a structure (see column 2 line 65 through column 3 line 2).

However, while Rynhart may disclose measuring moisture content for dry wall and plaster, Rynhart is also concerned with measuring moisture content for siding and roofing. In other words, Rynhart clearly teaches using a moisture meter 1 to measure the moisture content for interior structures and as well as exterior structures.

As such, it is submitted that Rynhart is simply not concerned with determining if each of the plurality measured content levels is within a desired level in order to certify that an interior

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portion of a structure is free from mold, moisture and any damage to the structure or components thereof that may result from mold or moisture.

The Examiner also asserts in page 3 of the Action, “that though the certificate may be a simpler reporting means than a detailed report as the one described in the Rynhart reference, utilizing the certificate in lieu of the report does not provide any benefit nor produce any unexpected result over the prior art.”

However, it is respectfully submitted that it appears that the Examiner has still not fully appreciated the features of the present invention. More specifically, in the present invention, only if it determined that each of the measured moisture content levels is within a desired level is a moisture level compliance certificate issued, which provides the benefit of giving notice to all interested parties that an interior portion of a structure has been sufficiently tested for moisture content and that the interior portion is free from mold and moisture.

In contrast, the report of Rynhart is not even concerned with testing an interior portion of a structure for moisture content and clearly does not provide the benefit of indicating that an interior portion of a structure is free from mold and moisture.

In view of the above, it is respectfully submitted that the Examiner has failed to establish

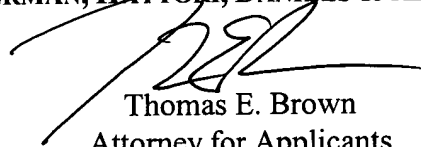
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a *prima facie* case of obviousness, since the Rynhart reference fails to disclose each of the following features recited in claim 1 *measuring a plurality of moisture content levels within said structural components of said portion of the interior of the structure; determining if each of said plurality of moisture content levels is within a desired level; issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; and issuing a moisture level non-compliance certificate if the results of said determining step is that at least one of said plurality of moisture contents levels is not below the desired level*

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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